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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/832,098	04/11/2001	Cathy Liu	LIUC3002/EM/6680	8675

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BERKELEY LAW & TECHNOLOGY GROUP, LLP
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EXAMINER

SAFAIPOUR, HOUSHANG

ART UNIT	PAPER NUMBER
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2625

MAIL DATE	DELIVERY MODE
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10/16/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/832,098	LIU, CATHY	
	Examiner	Art Unit	
	Houshang Safaipour	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 01 August 2007.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 15-22 and 39-42 is/are allowed.
- 6) Claim(s) 1-14 and 23-38 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.



Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
 Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application
- 6) Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-7, 23, 24, 25, 33, 34 and 35 are rejected under 35 U.S.C. 102(e) as being anticipated by Ryu (US 6,295,386).

Regarding claims 1, 23 and 33 Ryu discloses an image scanning method for a scanner, comprising:

- b. using an image capturing element to perform image capturing on a scanning object (col. 5, lines 8-15);
- c. using a preset calibration parameter to perform compensation and calibration for the captured image (fig. 5B, col. 5 lines 1-7 and line 50 through col. 6 line 36); and
- d. completing image scanning for the object and repeating the using an image capturing element for a subsequent scanning object (fig. 5B block S10 if “No” back to S8).

Regarding claims 2, 24 and 34, Ryu discloses the image scanning method of claim 1, further comprising:

holding the scanning, object via a holding board; capturing the image of the scanning object via an optical chassis comprising an image capturing element (col. 4 lines 48-60) ; and

storing the preset calibration parameter via a control module comprising a read only memory (ROM) and using the stored calibration parameter to perform compensation and calibration for the captured image (col. 4 line 64 through col. 5 line 7).

Regarding claim 3, Ryu discloses the image scanning method of claim 2, wherein the holding the scanning object comprises holding the scanning object via the holding board comprising glass or acrylic material (inherent characteristics for image scanners).

Regarding claim 4, Ryu discloses the image scanning method of claim 2, wherein the capturing the image of the scanning object comprises capturing the image of the scanning object via the image capturing element of the optical chassis comprising a charge coupled device (CCD) (col. 4 lines 48-60).

Regarding claim 5, Ryu discloses the image scanning method of claim 2, further comprising:

projecting on the scanning object via a linear light source to generate a reflecting image reflecting the reflected image via one or more reflecting mirrors; and refracting the reflected image through a lens to form an image on the image capturing element (col. 4 lines 4-60).

Regarding claim 6, Ryu discloses the image scanning method of claim 2, further comprising moving the optical chassis along the holding board to scan the object via a driver (col. 4 lines 4-60).

Regarding claims 7, 25 and 35, Ryu discloses the image scanning method of claim 2, wherein the storing the preset calibration parameter comprises storing the preset calibration parameter via the control module comprising a selected system file (col. 4 line 64 through col. 5 line 7).

3. Claims 8, 26 and 36 are rejected under 35 U.S.C. 102(b) as being anticipated by Clark et al. (US 4,757,389).

Regarding claims 8, 26 and 36, Clark discloses an image scanning method for a scanner, comprising:

- a. performing a pre-scanning calibration to obtain a calibration parameter (col. 3 lines 24-32);
- c. using an image capturing element to perform image capturing on a scanning object (fig. 1);
- d. using the calibration parameter obtained at the performing of the pre-scanning calibration to perform compensation and calibration for the captured image (col. 3 lines 24-32);
- e. completing image scanning for the object; and f. performing one or more subsequent scanning of one or more subsequent scanning objects without performing a subsequent pre-scanning calibration (col. 3 lines 51-58).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 9-14, 27, 37 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clark et al. (US 4,757,389).

holding the scanning object via a holding board; capturing the image of the scanning object via an optical chassis comprising an image capturing element (fig. 1); and

Clark discloses storing the calibration parameter obtained at the performing of the pre-scanning calibration via a control module and using the stored calibration parameter during scanning operation to perform compensation and calibration for the captured image (col. 3 lines 51-58). Clark does not explicitly disclose using random access memory (RAM). Using RAM as a storage mean is well known and routinely implemented in the art.

Regarding claim 10, Clark discloses the image scanning method of claim 9, wherein the holding the scanning object comprises holding the scanning object via the holding board comprising glass or acrylic material (fig. 1).

Regarding claim 11, Clark discloses the image scanning method of claim 9, wherein the capturing the image of the scanning object comprises capturing the image of the scanning object via the image capturing element of the optical chassis comprising a charge coupled device (CCD) (fig. 1, col. 3 line 1).

Regarding claim 12, Clark discloses the image scanning method of claim 9, further comprising:

projecting on the scanning object via a linear light source to generate a reflecting image; reflecting the reflected image via one or more reflecting mirrors; and refracting the reflected image through a lens to form an image on the image capturing element (fig. 1).

Regarding claim 13, Clark discloses the image scanning method of claim 9, further comprising moving the optical chassis along the holding board to scan the object via a driver (fig. 1).

Regarding claim 14, Clark discloses the image scanning method of claim 9, wherein the storing the calibration parameter comprises storing the calibration parameter obtained at the performing of the pre-scanning calibration via the control module comprising a selected system file (col. 3 lines 51-58).

Regarding claim 28, the arguments analogous to those presented for claims 14 and 9 are applicable to claim 28.

Allowable Subject Matter

Claims 15-22 and 39-42 are allowed. The prior art does not disclose "... determining if a calibration parameter is stored and calculating a calibration parameter if no calibration parameter is stored..." and "...completing image scanning for the object and repeating image capturing and said compensation without further performing the determining."

Claims 29-32 are also allowed for the same reasons stated above provided that the rejection under 35 U.S.C. 101 is overcome.

Claim Rejections - 35 USC § 101

Claims 23-32 are rejected under 35 U.S.C. 101 because they do not comply with the requirements of MPEP 2106.IV.B.1(a).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Houshang Safaipour whose telephone number is (571)272-7412. The examiner can normally be reached on Mon.-Fri. from 6:00am to 2:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached on (571)272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Houshang safaipour
Patent Examiner
October 1, 2007

A handwritten signature in black ink, appearing to read "Houshang safaipour", is positioned to the right of the typed name and title.